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10/777,004

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Alfred Thomas

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EXAMINER

HALL, ARTHUR O

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,004	<b>Applicant(s)</b> THOMAS, ALFRED	
	<b>Examiner</b> ARTHUR O. HALL	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/12/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 and 50-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-15, 36-41 and 50-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/18/2008; 6/18/2008</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3/18/2008 and 6/18/2008 have been acknowledged by the examiner.

### ***Response to Amendment***

Examiner acknowledges applicant's amendment of claims 1, 6, 9-10, 16-18, 23, 25, 36 and 55, cancellation of claims 42-49 related to Group IV and addition of claims 50-57 in the Response dated 2/4/2008 directed to the Non-final Office Action dated 8/3/2007 and in the Response dated 6/12/2008 directed to the Requirement for Restriction/Election dated 4/30/2008. Claims 1-41 and 50-57 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicant's arguments in the Response dated 2/4/2008 directed to the rejection set forth under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) in the Non-final Office Action dated 8/3/2007 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below in view of applicant's amendments and in view of applicants arguments.

Examiner acknowledges applicant's amendments of the drawings directed to Examiners objection of the drawings with respect to reference signs associated with Figure 4 as set forth in the Non-final Office Action dated 8/3/2007, which obviate the

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objection to the drawing. Therefore, Examiner withdraws further objection to the drawing.

Examiner acknowledges applicant's amendments and/or cancellation of claims directed to Examiner's objection of claims 1 and 42 set forth in the Non-final Office Action dated 8/3/2007, which obviate the objection to the claims. Therefore, Examiner withdraws further objection to the claims.

Restriction for examination purposes as indicated is proper because all the inventions listed in the Requirement for Restriction/Election dated 4/30/2008 are independent or distinct for the reasons provided therein, and because the field of search for each group, even though the search falls within the same class, is different, different search terms are required for each group of claims that will likely produce different prior art references, Groups I-III for the pending claims are admittedly distinct since applicant has admitted that the groups are not obvious variants thereof. Thus, there would be a serious search and examination burden if restriction were not required. Hence, Examiner maintains the restriction requirement and has examined Group II herein based on applicant's election made in the Response dated 6/12/2008 to the Requirement for Restriction/Election dated 4/30/2008.

***Claim Rejections - 35 USC § 103***

Examiner sets forth new grounds of rejection under 35 U.S.C. § 103(a) with respect to amended or new features as described below because each of the features

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of applicants claimed invention as amended or newly added continues to be unpatentable or obvious over the prior art.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 16-18, 25, 27 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (US Patent 6,146,273). Figures are described with reference characters where necessary for clarity.

Regarding claim 16, Olsen teaches  
a gaming system (column 4, line 65 to column 5, line 15, column 6, lines 26-30, Fig. 1, 2-5 and 11 and Fig. 2, 200 and Gk, Olsen; a system including plural gaming machines and a controller is disclosed), comprises:

a plurality of gaming terminals for playing a basic wagering game in response to receiving wager inputs from players (column 5, lines 7-15, column 6, lines 26-30 and column 7, lines 4-18, Olsen; plural gaming machines are adapted to receive unit bets via coin, bill, card or ticket in coin/bill acceptors and card/ticket readers inherently provided in order to receive the bets or wagers),

each of said plurality of gaming terminals capable of achieving a plurality of winning outcomes that have a corresponding payout amount (column 5, lines 16-22, lines 39-52 and lines 62-67 and column 16, line 65 to column 17, line 5, Olsen; jackpot information or values or outcomes are randomly generated based on a players wager so as to provide a weighted payout to the player if the jackpot win value is achieved),

each of said plurality of gaming terminals including a display for displaying a pay table with each of said plurality of winning outcomes and said corresponding payout

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amount (column 5, lines 16-22 and lines 39-52, column 6, lines 50-53, column 16, line 65 to column 17, line 5, column 27, line 63 to column 28, line 29 and Fig. 16, 1600, 1602 and 1604, Olsen; percentages or outcomes are mapped to corresponding payout amounts in which the winning outcomes are provided to the player based on a pay table results, and it would have been obvious at the time of invention to try an implementation in which the pay out amounts corresponding to percentages/outcomes stored in the gaming machine are displayed on each gaming machine display of Olsen as disclosed by Piechowiak since one having ordinary skill in the art would have understood that it is well known that players are required to have knowledge of payable amounts for given outcomes for game play); and

a controller coupled to each of said plurality of gaming terminals and receiving wager-input signals from said plurality of gaming terminals (column 6, lines 26-30 and column 7, lines 26-49, Olsen; plural gaming machines are in electrical communication with a system controller over a network to receive wager inputs from players playing the different gaming machines).

However, Olsen does not appear to teach update the payout amounts of the payable of each gaming machine based on portions of a wager input from other gaming machines as claimed. Therefore, attention is directed to Piechowiak, which teaches

in response to receiving a wager-input signal from one of said plurality of gaming terminals, said controller allocating portions of said wager input among a majority of said winning outcomes and sending an update pay-table signal to said plurality of gaming terminals to instruct said plurality of gaming terminals to update said corresponding payout amounts within said pay table, said pay table being continuously displayed as said payout amounts are being updated (column 3, lines 1-11 and lines 31-50, column 4, lines 24-38, column 6, lines 17-31 and column 9, lines 14-43, Fig. 1, 101-108 and 110 and Fig. 6, 622, Piechowiak; players input coin or credit wagers into plural gaming machines that are in communication with a feature controller so as to place a wager on paylines from which the controller determines a win based on polled game

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results from each gaming machine in order to update or modify the payout criteria of an award/pay table stored in each gaming machine to reflect the enabled feature, and it would have been obvious at the time of invention to try an implementation in which the display of each gaming machine is updated continuously as the award/pay table amounts are modified or updated since one having ordinary skill in the art would have known to update or modify the award/pay table continuously or in real-time because the payable is displayed on the display for each player during game play on each gaming machine along with the accumulated bonus common to all gaming machines).

Olsen teaches a system in which plural gaming machines under the control of a controller update stored weighted payable payout amounts that are configurable for display on each gaming machine (column 5, lines 16-22 and lines 39-52, column 6, lines 50-53, column 16, line 65 to column 17, line 5, column 27, line 63 to column 28, line 29, Olsen). Piechowiak teaches a system in which plural gaming machines under the control of a controller update or modify award/pay table amounts based on a feature enabled from polled game results from each gaming machine based at least in part on each players wagers, whereby the payable is displayed on each game machine (column 3, lines 1-11 and lines 31-50, column 4, lines 24-38, column 6, lines 17-31 and column 9, lines 14-43, Piechowiak). Piechowiak provides an incentive to combine its payable amount update or modification and display features with the payable update features disclosed by Olsen to achieve continuous display of updated or modified payable amounts during game play on each gaming machine because one having ordinary skill in the art would have known to display the updated or modified payouts on the disclosed game machines display in order to inform players of payable amounts for given outcomes for game play, which is a well known requirement in the gaming industry.

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to include pay table payout amount update or modify and display feature as taught by Piechowiak to provide continuous update of pay table payouts during game when utilized with the payable update and store feature and gaming machine displays as taught by Olsen because both Olsen and Piechowiak teach similar devices that perform payable payout update functionality using analogous structure that is adaptable to simplify device operation and enhance productivity of the player by allowing the updated payout amounts during game play to be continuously displayed during game.

Regarding claim 25, the scope of the claim for the method of operating the system is inherent with respect to claim 16 above in view of the structure disclosed by Olsen and Piechowiak since the method is the normal and logical manner by which the system is employed.

Regarding claims 17 and 32, the update pay-table signal is sent on a real-time basis, **or in other words**, the continuously updating and displaying are on a real-time basis (column 5, lines 39-52, column 17, lines 18-27 and Fig. 1, 2-5, Olsen; linked gaming machines provide the player a chance to win a jackpot value based on outcomes that are continually updated or available, which is inherently on a real-time basis, and it would have been obvious at the time of invention to try an implementation in which the payout amounts corresponding to percentages/outcomes stored in the gaming machine are displayed on each gaming machine display of Olsen as disclosed by Piechowiak since one having ordinary skill in the art would have understood that it is



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well known that players are required to have knowledge of payable amounts for given outcomes for game play).

Regarding claims 18 and 33, the update pay-table signal is are sent on a periodic basis, **or in other words**, the continuously updating and displaying are performed at each of the plurality of gaming terminals after one of the said sessions (column 6, lines 43-50 and column 7, lines 50-60, Olsen; the random number generator selects bonus mode values for each bonus mode time period, and it would have been obvious at the time of invention to try an implementation in which the payout amounts corresponding to percentages/outcomes stored in the gaming machine are displayed on each gaming machine display of Olsen as disclosed by Piechowiak since one having ordinary skill in the art would have understood that it is well known that players are required to have knowledge of payable amounts for given outcomes for game play).

Regarding claim 27, some of the plurality of sessions occur sequentially at one of the plurality of gaming terminals (column 7, line 66 to column 8, line 10, Olsen; eligible players play game sessions one after another at a gaming machine since other eligible players obtain unexpected notice of players at a gaming machine when they sign on).

Regarding claim 30, displaying the payout amounts associated with each of the plurality of winning outcomes on the plurality of gaming terminals or at least one gaming terminal is disclosed (column 28, line 56 to column 29, line 11, Olsen).

Regarding claim 31, the continuously updating said payout amounts and displaying said updated payout amounts on said plurality of gaming terminals or at least one gaming terminal is disclosed (column 17, lines 18-27 and column 28, line 56 to column 29, line 11, Olsen).

Regarding claims 54 and 56, the other winning outcomes not in said majority of said winning outcomes are associated with payment amounts funded by a local gaming

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machine (column 3, lines 1-11 and lines 31-50, column 4, lines 24-38 and column 6, lines 17-31 and column 9, lines 14-43, Piechowiak; the controller determines a win based on polled game results from each gaming machine in order to update or modify the payout criteria of an award/pay table stored in each gaming machine to reflect the enabled feature, and it would have been obvious at the time of invention to try an implementation in which the any outcomes that are not associated with the enable feature are winning outcomes associated with payout amounts funded or payed by the local game machine since one having ordinary skill in the art would have understood that the update or modification of any payable amounts occurs based on player wager inputs at a local machine or wager inputs at other machines in order to award a common bonus, whereby winning outcomes not associated with the bonus would be associated with local wagers by a player at a local gaming machine to achieve an award).

Regarding claims 55 and 57, the local wager inputs from said local gaming machine are allocated among said other winning outcomes, and said corresponding payout amounts within said displayed pay table on said local gaming machine are updated, **or in other words**, the apportioning includes apportioning local wager inputs from said local gaming machine among said other winning outcomes so as to increase said displayed payout amounts on said local gaming machine (column 3, lines 1-11 and lines 31-50, column 4, lines 24-38 and column 6, lines 17-31 and column 9, lines 14-43, Piechowiak; the controller determines a win based on polled game results from each gaming machine in order to update or modify the payout criteria of an award/pay table stored in each gaming machine to reflect the enabled feature, and it would have been obvious at the time of invention to try an implementation in which the local wagers and wagers from other gaming machines are apportion among wining outcomes so that corresponding payout amounts in the pay table are updated since one having ordinary skill in the art would have understood that the update or modification of any payable amounts occurs based on player wager inputs at a local machine or wager inputs at other machines in order to award a common bonus).

Claims 19-24, 26, 28-29 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Piechowiak, and further in view of Xidos et al. (US Patent 5,851,149; hereinafter Xidos). Features are described by figures with reference characters where necessary for clarity.

Olsen alone or in combination with Piechowiak teaches features of the claimed invention as described above.

However, Olsen alone or in combination with Piechowiak does not appear to teach the player identification features as claimed. Therefore, attention is directed to Xidos, which teaches

Regarding claims 24 and 26, the input device or plurality of gaming terminals further receive player-identification information that is transmitted to said controller, the controller allowing the basic wagering game with the continuously updated pay table to be operable or conducted by a player in response to said player-identification information meeting certain criteria, or in other words, receiving player-identification information, the conducting, apportioning, and also awarding only occurring in response to said player-identification information meeting certain criteria is disclosed (column 5, lines 26-43, column 12, lines 52-67 and Fig. 1, 16, Xidos; a player's credit card including player identification is required to authorize playing a base game from any of the plural gaming machines).

Xidos suggests that a gaming system that integrates linked plural gaming devices into distributed sites over a wide area network that can identify player's having

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player identification will remove the limitation of gaming systems having to function only within local area networks (column 1, lines 11-30, Xidos).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Olsen in view of the teachings of Piechowiak, and further in view of the teachings of Xidos for the purpose of providing the gaming device of Olsen alone or in combination with Piechowiak having credit or ticket in features for credit play that are interchangeable with or upgradeable to the player identification features of Xidos in order to expand gaming systems from local area networks only to broader wide area networks that allowing player identification from remote, distributed gaming devices.

Regarding claim 19 and 29, the plurality of gaming terminals are a bank of terminals located within one gaming establishment and the controller is located within said gaming establishment, or in other words, the apportioning is accomplished by a controller located within the gaming establishment (column 4, lines 17-52, column 8, line 64 to column 9, line 20 and Fig. 1, 12 and 18, Xidos; a bank or group of plural gaming terminals or top boxes are distributed throughout a hotel establishment having a server or controller also located within the hotel establishment).

Regarding claim 20 and 28, the plurality of gaming terminals are located in one gaming establishment and said controller is located remotely from said gaming establishment, or in other words, the apportioning is accomplished by a controller located remotely from said plurality of gaming terminals (column 4, lines 17-52, column 9, lines 22-34 and column 10, lines 35-42, Xidos; a bank or group of plural gaming terminals or top boxes are distributed throughout a hotel establishment and a server or controller via a wide area network is located remote within a different hotel

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establishment).

Regarding claim 21, the plurality of gaming terminals are located in different gaming establishments (column 9, lines 22-34 and column 10, lines 35-42, Xidos; plural linked gaming terminals or top boxes are distributed throughout a number of hotel establishments and communicate within a gaming system over a wide area network).

Regarding claim 22 and 34, the controller allocates the portions of the wager inputs only to selected ones of the plurality of winning outcomes, or in other words, the apportioning of the wager inputs is for only selected ones of the plurality of winning outcomes (column 15, lines 28-56, Xidos; eligibility of the player for at least one jackpot is determined by the random generation of jackpot numbers by the system processor based on wager inputs).

Regarding claim 23 and 35, the unselected ones of said plurality of winning outcomes receive a portion of wager inputs inputted at only the local one of said plurality of gaming terminals (column 15, lines 28-56, Xidos; the system processor removes the random number generated for the player when the player becomes ineligible for jackpot, even though the player was original eligible based on wager inputs at a particular gaming device and it would have been obvious at the time of invention that the wagers provided by players who became ineligible were contributed to the winning outcome or jackpot before ineligibility occurred).

### ***Response to Arguments***

Applicants arguments filed in the Response dated 2/4/2008 directed to the Examiners' rejection under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) have been considered fully and are moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth above in view of applicants amendments and in view of applicants arguments thereof.

Examiner has provided the above new grounds of rejection of the claims under 35 U.S.C. 103(a) because each of the features of applicants claimed invention continues to be anticipated by or unpatentable or obvious over the prior art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B US-5,702,304, Acres et al.

C US-5,580,309, Piechowiak et al.

D US-2002/0039923 A1, Cannon et al.

E US-6,824,465 B2, Luciano, Jr.

F US-6,068,552, Walker et al.

G US-2002/0005919 A1, Walker et al.

H US-5,564,700, Celona

I US-6,663,487 B1, Ladner

J US-5,116,055, Tracy

K US-5,123,649, Tiberio

L US-5,280,909, Tracy

M US-5,494,287, Manz.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./  
Examiner, Art Unit 3714

/Scott E. Jones/  
Primary Examiner, Art Unit 3714